

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:10-CR-00040-F-1

No. 5:13-CV-00719-F

CHRISTOPHER STEPHONE COBB,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

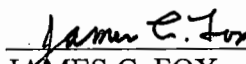
**ORDER**

This matter is before the court on Petitioner's Motion to Reconsider or Clarify this Court's February 13, 2017 Order [DE-118]. Petitioner requests that this court address that portion of his claim under *Johnson v. United States*, 135 S. Ct. 2551 (2015). In particular, Petitioner argues that his sentence was improperly enhanced under the career offender guideline.

In *Beckles v. United States*, No. 15-8544, 2017 WL 855781 (U.S. Mar. 6, 2017), the Supreme Court held that *Johnson* does not apply to the career offender guideline. The rationale was that the sentencing guidelines are unlike the Armed Career Criminal Act in that they "are not subject to a vagueness challenge under the Due Process Clause." *Id.* at \*6. Consequently, Petitioner's Motion to Reconsider or Clarify this Court's February 13, 2017 Order [DE-118] is DENIED.

SO ORDERED.

This the 24 day of March, 2017.

  
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JAMES C. FOX  
Senior United States District Judge